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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,489	01/30/2002	Steven A. Cover	13768.240	6932

47973 7590 11/23/2005

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EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/060,489

Applicant(s)

COVER ET AL.

Examiner

DAVID Y. ENG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-41 and 43-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-41 and 43-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Claims 13 and 42 have been cancelled. Newly submitted dependent claim 47 has been entered. The active claims are 1-12, 14-41 and 43-47.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The section 112 rejections are withdrawn in view of the amendment submitted on 9/15/2005.

Claims 1-12, 14-41 and 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lalwaney (USP 6,289,377)

Details of the rejection have already been set forth in the last Office action. The details are incorporated herein by reference thereto.

On page 31 of the communication filed on 9/15/2005, Applicants contended that Lalwancy fails to disclose or suggest a method that includes an act to automatically, without user intervention, pushing an identifier representative of the services consumer modules will consume. To provide support for that argument, Applicants point out that Lalwancy teaches away from the method recited in the claims because Lalwancy notes that the establishing a link between the telephone modem and the service provider is in response to a user request to access the Internet. The Examiner disagrees. At the outset, it is noted that the recitation that Applicants rely on for patentability is newly inserted in independent claims 1, 22 and 43 only and not independent claims 25 and 45 by the amendment filed on 9/15/2005. It is further noted that the recitation in Applicants' claims, such as "automatically and without user intervention", is referring to the act of pushing the identifier (see the amendment of claim 1) and not to establishing

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communication link. Since the instant claims do not recite whether or not user is required to establish communication for transmitting configuration information, Applicants' argument base on Lalwancy requires user intervention for establishing communication therefore is not mooted. As to the limitation of pushing identifier does not require user intervention, the cable network address server 114 in Figure 1 of Lalwancy is for providing the configuration information for configuring the cable modem. The providing of the configuration information (pushing of the identifier so as to retrieve configuration information) by the cable network address server does not require any user intervention in Lalwancy. The fact is, operation of the system shown in Figure 1 of Lalwancy does not require any user or human intervention at all.

In the last paragraph of page 31 to the top portion of page 32, Applicants provide argument for patentability of claim 42. However, claim 42 has been cancelled.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to DAVID Y. ENG  
at telephone number 571-272-3984.

A handwritten signature in black ink, appearing to read 'D. Y. Eng', with a stylized flourish at the end.

DAVID Y. ENG  
PRIMARY EXAMINER